

**House File 449 - Introduced**

HOUSE FILE 449

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**A BILL FOR**

1 An Act providing for midwife licensure and providing for a fee  
2 and a penalty, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, physician assistant, psychologist, chiropractor,  
6 nurse, dentist, dental hygienist, dental assistant,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, physical therapist assistant, occupational  
9 therapist, occupational therapy assistant, respiratory care  
10 practitioner, practitioner of cosmetology arts and sciences,  
11 practitioner of barbering, funeral director, dietitian, marital  
12 and family therapist, mental health counselor, social worker,  
13 massage therapist, midwife, athletic trainer, acupuncturist,  
14 nursing home administrator, hearing aid dispenser, or sign  
15 language interpreter or transliterator means a person licensed  
16 under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,  
18 osteopathic medicine and surgery, practice as a physician  
19 assistant, psychology, chiropractic, nursing, dentistry,  
20 dental hygiene, dental assisting, optometry, speech pathology,  
21 audiology, pharmacy, physical therapy, physical therapist  
22 assisting, occupational therapy, occupational therapy  
23 assisting, respiratory care, cosmetology arts and sciences,  
24 barbering, mortuary science, marital and family therapy,  
25 mental health counseling, social work, dietetics, massage  
26 therapy, midwifery, athletic training, acupuncture, nursing  
27 home administration, hearing aid dispensing, or sign language  
28 interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. A person shall not engage in the practice of medicine  
32 and surgery, podiatry, osteopathic medicine and surgery,  
33 psychology, chiropractic, physical therapy, physical therapist  
34 assisting, nursing, dentistry, dental hygiene, dental  
35 assisting, optometry, speech pathology, audiology, occupational

1 therapy, occupational therapy assisting, respiratory care,  
2 pharmacy, cosmetology arts and sciences, barbering, social  
3 work, dietetics, marital and family therapy or mental health  
4 counseling, massage therapy, midwifery, mortuary science,  
5 athletic training, acupuncture, nursing home administration,  
6 hearing aid dispensing, or sign language interpreting  
7 or transliterating, or shall not practice as a physician  
8 assistant, unless the person has obtained a license for that  
9 purpose from the board for the profession.

10 Sec. 3. Section 147.13, Code 2011, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 24. For midwifery, the board of midwifery.

13 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended  
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. For midwifery, a total of seven members,  
16 three members who are licensed midwives under chapter 148F;  
17 one member who is licensed under chapter 148, is a practicing  
18 family physician, and has professional experience consulting  
19 for and collaborating with direct-entry midwives; one member  
20 who is an advanced registered nurse practitioner licensed under  
21 chapter 152, is a certified nurse midwife, and has professional  
22 experience consulting for and collaborating with direct-entry  
23 midwives; and two members who are not licensed midwives or  
24 licensed health care providers who have received direct-entry  
25 midwifery services and who shall represent the general public.

26 Sec. 5. Section 147.74, Code 2011, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F  
29 may use the words "licensed midwife" or the initials "L.M."  
30 after the person's name.

31 Sec. 6. NEW SECTION. 148F.1 **Definitions.**

32 As used in this chapter, unless the context otherwise  
33 requires:

34 1. "Board" means the board of midwifery.

35 2. "Licensed midwife" means a person who is licensed to

1 practice midwifery as provided in this chapter.

2 3. "*Out-of-hospital*" means any facility, institution, or  
3 place which is not an ambulatory surgical center or a hospital,  
4 such as a birth center as defined in section 135.61 or a  
5 private home.

6 4. "*Practice of midwifery*" means the provision of primary  
7 maternity care during the antepartum, intrapartum, and  
8 postpartum periods by a person who is neither licensed to  
9 practice under chapter 148 or 148C, nor a nurse recognized  
10 by the Iowa board of nursing as an advanced registered nurse  
11 practitioner who is a certified nurse midwife, and who is not  
12 rendering emergency services without compensation. "*Practice*  
13 *of midwifery*" may also include the carrying and administration  
14 of certain medications during the practice of midwifery,  
15 including oxytocin, as a postpartum antihemorrhagic agent,  
16 oxygen, intravenous fluids for stabilization, vitamin K, eye  
17 prophylactics, and other drugs or procedures as appropriate for  
18 the scope of practice for licensed midwives as determined by  
19 the board.

20 Sec. 7. NEW SECTION. 148F.2 Licensure — licensed  
21 midwifery.

22 1. Beginning July 1, 2013, every person practicing  
23 midwifery in this state shall be licensed pursuant to this  
24 chapter. The board shall adopt rules pursuant to chapters 17A,  
25 147, and 272C establishing procedures for the licensing of new  
26 and practicing midwives.

27 2. Prior to obtaining licensure, an applicant shall  
28 successfully pass an examination prescribed and approved by  
29 the board as determined in rule demonstrating competencies  
30 in at least all of the following areas: risk assessment  
31 and management; prenatal care; management of normal labor,  
32 birth, and postpartum; newborn care up to six weeks; and adult  
33 cardiopulmonary resuscitation and newborn resuscitation.

34 3. The applicant shall provide documentation, satisfactory  
35 to the board, of all of the following:

1     *a.* Knowledge and proficiency of all didactic components  
2 of midwifery, including definitions, signs and symptoms,  
3 differential diagnosis for risk assessment, stabilization and  
4 treatment, follow-up, referral, and transport.

5     *b.* Complete and thorough preparation as an assistant  
6 midwife prior to assuming responsibility as a primary midwife.  
7 Clinical care performed under supervision during training  
8 including, at a minimum:

9       (1) Seventy-five prenatal exams.

10      (2) Twenty births as an assistant midwife.

11      (3) Twenty births as primary midwife from the onset of labor  
12 to the delivery of the placenta and the stabilization of mother  
13 and newborn.

14      (4) Twenty newborn exams.

15      (5) Forty postpartum exams.

16     *c.* Assessment and verification of performance of skills  
17 during an intensive, hands-on skills assessment, performed for  
18 and scored by an evaluator approved by the board.

19     *d.* Passage of a three-hundred-fifty-item national board  
20 examination that covers all aspects of midwifery care as  
21 identified by job analysis.

22     *e.* Evidence that the applicant has provided prenatal,  
23 intrapartal, and postpartal care as well newborn assessment,  
24 equivalent to a minimum of one thousand three hundred fifty  
25 clinical contact hours under the direct supervision of one or  
26 more instructors approved by the North American registry of  
27 midwives.

28     4. The applicant shall hold a certified professional  
29 midwife credential issued by the North American registry of  
30 midwives or any other nationally accredited credential as  
31 specified by the board. If an applicant has been subject to  
32 prior revocation of a license to practice medicine or nursing,  
33 the applicant shall not be eligible for licensure under this  
34 chapter, except as determined by the board.

35     5. The board may request, at the applicant's expense, that

1 the department of public safety perform a criminal history  
2 check and the department of human services perform child  
3 and dependent abuse record checks of the applicant. If an  
4 applicant has a criminal record or a record of founded child or  
5 dependent adult abuse, the board shall perform an evaluation to  
6 determine whether the record warrants denial of licensure.

7 **Sec. 8. NEW SECTION. 148F.3 Use of title — penalty.**

8 A person shall not use the title licensed midwife, describe  
9 or imply that the person is a licensed midwife, or represent  
10 the person as a licensed midwife unless the person is granted a  
11 license under this chapter or is licensed as a nurse-midwife  
12 under chapter 152.

13 **Sec. 9. NEW SECTION. 148F.4 Rules.**

14 1. The board shall:

15 *a.* Adopt rules relating to standards for professional  
16 conduct of persons licensed under this chapter.

17 *b.* Adopt rules consistent with this chapter and with  
18 chapters 147 and 272C which are necessary for the performance  
19 of its duties.

20 *c.* Act on matters concerning licensure and the processes  
21 of applying for, granting, suspending, imposing supervisory  
22 or probationary conditions upon, reinstating, and revoking a  
23 license.

24 *d.* Administer the provisions of this chapter requiring  
25 documentation required to demonstrate competence as a midwife,  
26 and the processing of applications for licenses and license  
27 renewal.

28 *e.* Develop continuing education requirements as a condition  
29 of license renewal.

30 *f.* Evaluate requirements for licensure in other states to  
31 determine if reciprocity may be granted.

32 *g.* Establish and collect licensure fees as provided in  
33 section 147.80 and retain fees as provided in section 147.82.

34 *h.* Establish procedures for the issuance, renewal, and  
35 revocation or suspension of a license under this chapter.

1     *i.* Maintain a registry of licensed midwives and statistics  
2 on the practice of midwifery utilizing vital statistics data.

3     2. In establishing rules, the board may consult with  
4 persons knowledgeable regarding the prenatal and postpartum  
5 birth process, particularly those possessing experience with  
6 out-of-hospital births, including but not limited to persons  
7 licensed under chapter 148, certified professional midwives,  
8 advanced registered nurse practitioners who are certified nurse  
9 midwives, and women who have given birth in an out-of-hospital  
10 setting. In establishing rules, the board shall reflect the  
11 knowledge and skills identified by the North American registry  
12 of midwives' current job description for the profession and the  
13 standards of practice of midwifery established by the national  
14 association of certified professional midwives or a successor  
15 organization.

16     3. Rules relating to the practice of midwifery shall  
17 not be inconsistent with the North American registry of  
18 midwives' current job description for the profession and the  
19 standards of practice of midwifery established by the national  
20 association of certified professional midwives or a successor  
21 organization, and shall not expand the scope of practice of  
22 midwifery established by the national association of certified  
23 professional midwives or a successor organization.

24     4. At such time as the board determines that liability  
25 insurance is available at an affordable price to certified  
26 professional midwives, the board may mandate such coverage.  
27 Until that time, each midwife shall comply with the disclosure  
28 requirements of this chapter.

29     Sec. 10. NEW SECTION. 148F.5 Client disclosure.

30     Prior to accepting a patient for midwifery care, a licensed  
31 midwife shall provide information indicating all of the  
32 following:

33     1. Evidence that the care provider is a licensed midwife  
34 meeting the requirements of this chapter.

35     2. Whether the licensed midwife has malpractice liability

1 insurance coverage and the policy limits of such coverage.

2 3. The midwife's educational background and relevant  
3 experience, including experience in various birth settings.

4 4. The nature, scope, and location of the care to be  
5 given, including the possibility of and the guidelines for  
6 consultation, referral, or transfer of the patient to a  
7 hospital from an out-of-hospital setting.

8 Sec. 11. NEW SECTION. 148F.6 **Exceptions.**

9 1. This chapter does not prevent qualified members of other  
10 professions including but not limited to individuals licensed  
11 under chapter 148 or 152 from providing services consistent  
12 with the nature of the practice of midwifery.

13 2. This chapter does not prevent or prohibit a student  
14 midwife from performing tasks related to the practice of  
15 midwifery under the supervision of a licensed midwife, a  
16 certified nurse midwife, or a licensed physician during  
17 completion of the licensure process.

18 3. The practice of midwifery in this state prior to July  
19 1, 2013, shall not constitute grounds for disciplinary action  
20 by the board. The board may issue a license to a person who  
21 has practiced midwifery in this state upon application and  
22 compliance with the provisions of this chapter and the rules  
23 adopted pursuant to this chapter.

24 Sec. 12. NEW SECTION. 148F.7 **Prohibited practice.**

25 A person shall not practice midwifery, or represent that the  
26 person is a midwife, unless the person is licensed as provided  
27 in this chapter.

28 Sec. 13. NEW SECTION. 148F.8 **Requirements for licensure —**  
29 **temporary license.**

30 Beginning July 1, 2013, an individual who does not meet the  
31 requirements for licensure by examination pursuant to section  
32 148F.2 may apply for a one-year temporary license as determined  
33 by the board in rules. Renewal of the temporary license shall  
34 be determined by the board. The board may revoke a temporary  
35 license if it determines that the temporary licensee has

1 violated standards established by rule.

2 Sec. 14. Section 272C.1, subsection 6, Code 2011, is amended  
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *ag.* The board of midwifery, created pursuant  
5 to chapter 147.

6 Sec. 15. Section 272C.4, subsection 6, Code 2011, is amended  
7 to read as follows:

8 6. Define by rule acts or omissions that are grounds for  
9 revocation or suspension of a license under section 100D.5,  
10 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,  
11 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,  
12 or 602.3203 or chapter 151 or 155, as applicable, and to define  
13 by rule acts or omissions that constitute negligence, careless  
14 acts, or omissions within the meaning of section 272C.3,  
15 subsection 2, paragraph "b", which licensees are required to  
16 report to the board pursuant to section 272C.9, subsection 2.

17 Sec. 16. INITIAL APPOINTMENTS.

18 1. Notwithstanding any provision to the contrary in this  
19 Act, initial professional appointees to the board of midwifery  
20 shall fulfill the national certification requirements of the  
21 North American registry of midwives.

22 2. One of the initial professional appointments to the  
23 board shall be appointed for a one-year term, one member shall  
24 be appointed for a two-year term, and one member shall be  
25 appointed for a three-year term. The members who are licensed  
26 under chapter 148 or 152 shall each be appointed for a two-year  
27 term, and the members representing the general public shall  
28 each be appointed to a three-year term.

29 Sec. 17. EFFECTIVE DATE. The sections of this Act amending  
30 section 147.2, subsection 1, and enacting section 148F.8 take  
31 effect July 1, 2013.

32 EXPLANATION

33 This bill creates new Code chapter 148F that provides for  
34 the licensure of midwives beginning July 1, 2013. A midwife  
35 is not an allopathic or osteopathic physician licensed under

1 Code chapter 148 or a nurse licensed under Code chapter  
2 152 providing primary maternity care during the antepartum,  
3 intrapartum, and postpartum periods.

4 The bill provides for the establishment of a seven-member  
5 board of midwifery consisting of three members who are  
6 midwives, one physician, one nurse, and two members who  
7 represent the general public. The bill provides for fees to  
8 fund the board and provides penalties for violation of the  
9 practice requirement; those penalties are set out for all  
10 health-related boards in Code chapters 147 and 272C. Code  
11 section 147.86 provides that it is a serious misdemeanor to  
12 violate a provision of the licensing laws.

13 The board is similar in composition and responsibilities to  
14 other health-related licensing boards.

15 The provisions of the bill amending Code section 147.2 and  
16 enacting Code section 148F.8, both prohibiting the practice of  
17 midwifery without a license, take effect July 1, 2013.